

OPINION
51-38

August 10, 1951 (OPINION)

COUNTIES

RE: Must Deputies of County Officers be Electors?

Yours of the 9th inst. re qualifications of deputies of officers has been received.

Section 44-0301 provides for the appointment of deputies by certain state officers, and section 11-1011 provides for deputies of county officers.

Section 44-0304 provides that all deputies, both of state and county officers, must be citizens and residents. No statute specifically provides that such deputies must be of legal age or electors. However, 67 C.J.S. at page 450 says:

Where provision is made by statute for the position of deputy, such deputy is regarded as a public officer, and it has been held that, if the superior is denominated an 'officer', then the deputy is also an 'officer'."

Therefore, since every officer must be an elector and of full age, it is our opinion that a deputy officer must be an elector and of full age.

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